

THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW NO. #3274 (2012)

Being a By-law to temporarily restrict heavy trucks along that portion of the municipal road described herein and depicted on Schedule A attached hereto, known as Pelham Town Square in the Town of Pelham, for the period beginning Wednesday, July 18th, 2012 and continuing to October 5th, 2012 inclusive.

WHEREAS Section 27 of the *Municipal Act 2001*, S.O. 2001, c. 25 allows a municipality to pass a by-law in respect of a highway if it has jurisdiction over the highway;

AND WHEREAS Section 35 of the *Municipal Act 2001*, S.O. 2001, c. 25 states that a municipality may pass by-laws removing or restricting the common-law right of passage by the public over a highway and the common law right of access to the highway;

AND WHEREAS Highway Traffic Act R.S.O. 1990, c.H.8 item 14, subject to 110 and 110.1, states that no vehicle including load shall have a greater height than 4.15m while on a highway. R.S.O. 1990, c.H.8, s.109(14); 2002,c.18, Sched. P, s. 25 (6),

AND WHEREAS the Town of Pelham desires to prohibit certain vehicles along that portion of Pelham Town Square between Pelham Street and extending approximately 50 metres easterly toward the Town of Pelham Municipal Building, as depicted on Schedule A attached to and forming part of this By-law in order to facilitate the erection of a temporary structure over the Pelham Town Square entrance;

NOW THEREFORE BE IT RESOLVED THAT the Council for the Town of Pelham hereby enacts as follows:

Definitions:

"Commercial Motor Vehicle" means a motor vehicle having permanently attached thereto a truck or delivery body;

"Heavy Truck" means any Commercial Motor Vehicle having an unloaded vehicle weight in excess of four thousand five hundred (4,500) kilograms;

"Recreational Vehicles" means a house trailer including a fifth wheel house trailer, a ball hitch type house trailer, a travel trailer, a cabin trailer or a motor home but does not include a collapsible cabin trailer, tent trailer or camping trailer.

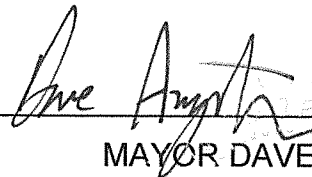
THAT commercial motor vehicles, heavy trucks, and recreational vehicles shall be prohibited along the portion of the municipal road known as Pelham Town Square between Pelham Street and extending approximately 50 metres easterly toward the Town of Pelham Municipal Building, more particularly depicted on Schedule A attached hereto;

AND THAT the prohibition shall not be applicable to heavy commercial trucks which are engaged in any of the following uses, whereupon wherever possible only the centre portion of the road shall be travelled:

1. Emergency services by any fire, police, ambulance, or other governmental service entity including schools for the purposes of the emergency;
2. Construction, repair, or maintenance of a public or governmental utility upon property located along or reasonably accessible only from the designated roadway;
3. When detoured onto the roadway by law enforcement for public safety;

AND THAT the appropriate vehicle height restriction signage and enforcement shall be posted, conducted and enforced by the Town of Pelham and/or the Niagara Regional Police.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
25th DAY OF JUNE 2012 A.D.



A handwritten signature in cursive script, reading "Dave Augustyn", written over a horizontal line.

MAYOR DAVE AUGUSTYN



A handwritten signature in cursive script, reading "Nancy J. Bozzato", written over a horizontal line.

CLERK NANCY J. BOZZATO